



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
2129 Jackson Street  
Oshkosh, Wisconsin 54901-1805  
TDD #: (608) 264-8777

Jim Doyle, Governor  
Jack L. Fischer, A.I.A., Secretary

## Wisconsin Department of Commerce, Bureau of PECFA Bid Document

### SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

**Bid Round:** 54

**Comm #:** 54124-9999-21-A  
**BRRTS #:** 03-43-000083  
**Site Name:** Bergmann's Service Station/Former Keith Moeller Property  
**Site Address:** 121 N. McKenzie, Gillett, 54124

**Site Manager:** Kristin DuFresne  
**Address:** 2894 Shawano Avenue  
**City, State Zip:** Green Bay, WI 54307-0448  
**Phone:** 920-662-5443  
**e-mail:** kristin.dufresne@wisconsin.gov

**Bid Manager:** Beth Erdman  
**Address:** 2129 Jackson Street  
**City, State Zip:** Oshkosh, Wisconsin 54901-1805  
**Phone:** 920-303-5410  
**e-mail:** beth.erdman@wisconsin.gov

<b>Bid-Start Date:</b>	<b>April 7, 2008</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>April 21, 2008, 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>May 9, 2008</b>
<b>Bid-End Date and Time:</b>	<b>May 23, 2008, 4:00 PM</b>

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

**Digital Printing Innovations-Oshkosh, 304 High Avenue, Oshkosh, WI 54901**  
**Phone: 920-235-1800 Fax: 920-235-6449**

## **SECTION 2 – Site-Specific Bid Requirements**

### **General Comments**

Keith's Service Station is located at 121 N. McKenzie Street, Gillett, in Oconto County. Four underground storage tanks (three containing gasoline and one containing diesel fuel), the pump island and associated piping were removed from the property in spring 1989. In addition to the above, one 500 gallon waste oil above ground storage tank (AST) may exist on site.

Twenty-six Geoprobe borings have been advanced to a maximum depth of 14 feet below ground surface (bgs). Subsurface soil conditions consist of fine sand, sandy silt and sandy clay to total depth. Soil contamination exceeding Wisconsin Administrative Code (WAC) chapters NR 720 residual contaminant levels and NR 746 Table 1 concentrations are present.

Six, 1-inch diameter, monitoring wells and six 3/4-inch diameter gas probes (used as groundwater sampling points MW-1 through MW-6) have been installed. Depth to groundwater ranges from 5.75 to 9 feet bgs with groundwater flow to the east. Groundwater contamination exceeds WAC chapter NR 140 enforcement standards.

The monitoring well installed in GP6, located in the N. McKenzie Street right-of-way has been abandoned. Construction of gas probes MW-1 through MW-6 is unknown but depths are believed to range from 5 to 7 feet bgs.

### **Minimum Remedial Requirements**

Within 45 days of executing the contract with the responsible party (RP), the consultant must be onsite to install two 1-inch diameter push-probe monitoring wells. One well shall be installed off the southwest corner of the on-site building and the other well shall be installed across N. McKenzie Street on the City of Gillett property, directly east of former GP6.

One unsaturated soil sample is to be collected from each boring from the interval with the highest photo ionization detector (PID) measurement. Soil samples are to be analyzed for petroleum volatile organic compounds (PVOCs) and polynuclear aromatic hydrocarbons (PAHs).

Collect four quarterly rounds of groundwater samples from monitoring wells GP2, GP5, GP8, GP9, GP10 and the two new wells. Samples from the two new wells are to be analyzed for PVOCs and PAHs. All other wells are to be analyzed for PVOCs and naphthalene. Water levels are to be measured in all monitoring wells prior to sampling.

Within 14 days of receipt of laboratory analytical results, provide the Department of Natural Resources (DNR) and Commerce with laboratory analytical results and groundwater elevation measurements in tabular format; also submit updated groundwater flow maps. In addition to the above, identify whether the utilities are acting as a conduit for contamination migration (i.e. surrounding land use, utility backfill) and complete the online reporting as outlined in Section 3 of this document.

Based on information from the previous consultant, gas probes MW-1 through MW-6 are located on-site but cannot be sampled. Properly abandon the gas probes and provide documentation of abandonment to DNR and Commerce.

Reports indicate that four USTs, two 1000-gallon gasoline, one 2000-gallon gasoline and one 1000-gallon diesel have been removed from the site. The Commerce Tank Database identifies two 1000-gallon USTs and one 2000-gallon UST of unknown contents have been removed from the site. Confirm the number, content and dates of UST removal and update the Commerce Tank Database accordingly. In addition, identify whether a 500-gallon AST exists or has been removed from the site.

There are presently no drums of investigative waste located at the site. Proper disposal of all investigative waste generated during this scope of work is to be conducted following completion of final groundwater sampling. Disposal documentation is to be submitted to the DNR.

### **SECTION 3 - Reporting Timeframes**

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

#### **Claim Submittal**

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

## Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

### **SECTION 4 - Conditions of Bid**

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

## SECTION 5 - Instructions to Bidders

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

## **SECTION 6 - Bidder Disqualification**

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
5. In any prior occurrence that has been publicly bid, failed to do either of the following:
  - a. Pay subcontractors after receiving payment for them.
  - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

## BID RESPONSE

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Department of Commerce PECFA Program

**SITE NAME: Bergmann's Service Station-Former Keith  
Moeller Property**

**COMMERCE #: 54124-9999-21**

**BRRTS #: 03-43-000083**

Submit Bid Response To: Cathy Voges  
Public Bid Response  
Department of Commerce PECFA Bureau  
201 W. Washington Ave., Madison, WI 53703-2760 or  
PO Box 8044, Madison, WI 53708-8044

Consulting Firm Name: \_\_\_\_\_

Complete Mailing \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (     ) - \_\_\_\_\_

Fax Number: (     ) - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License # _____
<input type="checkbox"/>	Professional Geologist	License # _____
<input type="checkbox"/>	Hydrologist	License # _____
<input type="checkbox"/>	Soil Scientist	License # _____



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: \_\_\_\_\_

## BID RESPONSE

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Department of Commerce PECFA Program

**SITE NAME: Bergmann's Service Station-Former Keith Moeller Property**

**COMMERCE #: 54124-9999-21**

**BRRTS #: 03-43-000083**

**Consulting Firm Name:** \_\_\_\_\_

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

1	Install two 1-inch wells (include soil analytical)	\$	
2	Groundwater monitoring event (include analytical)	\$	
3	Rounds of groundwater monitoring		4
4	Groundwater sampling subtotal (row 2 X row 3)	\$	
5	Utility information	\$	
6	Gas probe abandonment	\$	
7	Update tank database	\$	
8	Investigative waste disposal	\$	
9	Documentation (reports, correspondence, etc.)	\$	
10	PECFA Claim Preparation	\$	
11	<b>Total Bid Amount</b>	<b>\$</b>	